

## **Citizenship, The Nigerian Diaspora and the Quest for Inclusion in Nigeria's Electoral Process**

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*Abstract— Nigerian citizens living outside the country's borders have always been denied their civil rights to vote and be for. Although diaspora election has become popular in modern democracies around the world, the 1999 Nigerian Constitution and the 2022 Electoral Law made it impossible for the Nigerian diaspora to participate in the electoral process, especially, to vote and be elected, unless they return to Nigeria. This study relied on secondary data to examine the Nigerian diaspora's aspirations for inclusion in the Nigerian electoral process. The study stated that the right to vote in the diaspora is a universal human right, but denied the Nigerian diaspora. It also found that there are approximately 17 million Nigerians in the diaspora who are constitutionally barred from participating in the electoral process of their home country from outside the country. The study, therefore, recommended amending Nigerian legal instruments to remove residency criteria for participation in the electoral process. This enfranchises the Nigerian diaspora and ensures their inclusion and participation in the electoral process. Again, the Independent National Electoral Commission should set up a voting unit in every Nigerian embassy and commission to facilitate diaspora voting in general elections. This should be preceded by the introduction of the electronic voting system so that the results can be easily transmitted. It was also recommended that the Nigerian diaspora should intensify their mobilization and advocacy towards the National Assembly and the Presidency to achieve the goal of inclusion in the Nigerian electoral process.*

**Keywords:** Citizenship; Nigerian Diaspora; Voting; Electoral Process and Inclusion.

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## INTRODUCTION

There is a symbiotic relationship between a state and its citizens, such that citizens cannot exist without a state and a state cannot exist without citizens. Again, just as the state has duties and responsibilities towards the citizens, the citizens also have duties and responsibilities towards the state. Citizenship, thus means a system of rights, privileges and duties, guaranteed by the state. These could be divided into civil, political, social, and economic rights, including the right to life, freedom of expression, right to vote and be elected, equality before the law, and social welfare. Afolabi (2015) held that citizenship is a mutual agreement between citizens and the state about mutual privileges and rights, as well as obligation and loyalty; with the rule of law as the arbiter and justice and fairness as the watchwords. In this form of the social pact, through the dual elements of reciprocity and exchange between citizen and state, the individual enjoys those rights and privileges that no other social or political organization offers, and in return gives his duties, loyalty, and obligation to the state.

Nigeria has experienced large internal and external migratory flows over the years, but starting in the 1980s in particular, the number of Nigerians leaving the country increased as a result of the economic downturn and political instability. Since then, the net migration rate has remained negative. With 206 million people, Nigeria has the largest population in Africa and the seventh largest in the world (Varrella, 2021). As confirmed by Sasu (2022), the migration rate in Nigeria in 2021 was -0.29 per 1,000 people. This means that the number of people leaving Nigeria is slightly higher than the number entering. As the most populous country in Africa, Nigeria is therefore also the largest source of African immigrants to the United States of America and other parts of the world. According to the Nigeria Diaspora Voting Council (NDVC, 2021), there are approximately 25 million Nigerians in the diaspora. Over the years, therefore, the Nigerian diaspora has advocated for political inclusion, particularly in the electoral process.

Diaspora voting, based on universal citizen suffrage, is now popular in modern democracies around the world (Elgujja, 2021). To date, over a hundred nations have adopted diaspora voting, with varying degrees of scope and/or limitations, if any. These countries include almost thirty African countries, which also include all of Nigeria's immediate neighbours except Cameroon. Currently, Nigerian laws, including the 1999 Constitution (as amended) and the Elections Act (2022), do not provide for the right of Nigerians abroad to vote in elections unless they appear in person to register and vote in designated centres in Nigeria. Since Nigeria's return to democratic government in 1999, the Nigerian diaspora has aspired to be involved in the Nigerian electoral process. However, this did not succeed in Nigeria. Then what is the hurdle against the diaspora election in Nigeria? What actions can be taken to ensure a diaspora election in Nigeria? This thesis aims to examine the diaspora election debates in Nigeria and to recommend measures to ensure the political inclusion of Nigerian citizens living outside the country's coast.

## CONCEPTUAL REVIEW

### Citizenship

There were various submissions on the concept of citizenship. Bellamy (2015) argues that the distinctive core of citizenship, at least within the Western political tradition, was the possession of the formal status of membership in a political and juridical entity and the special rights and duties inherent therein that distinguish such an individual from others be either a subject or an alien. Differing opinions have held different views on what criteria should apply to membership. the type of political and legal institutions to which a citizen belongs; the content of their rights and obligations; and the nature of the norms and attitudes that citizens require in order to exercise and fulfil those civic claims and duties. However, all agree that citizenship is a political and legal artefact that establishes a condition of civic equality for those who hold it in terms of the privileges and responsibilities it confers and requires.

It, therefore, implies that citizenship is a status of full and equal membership in a self-governing political community, which entails rights and duties and is based on certain virtues. This means that citizenship means nationality, or formal belonging to a state (Baubock, 2002, p. 4). It is a relationship between an individual and the state through which the former owes allegiance and the latter protection. In the past, however, it came with the privilege of taking an active part in the political affairs of the city-state. Casper (2008) has argued that in a hierarchy of rights associated with citizenship, the right to participate in governance (the right to vote and the right to hold office) usually comes first. However, throughout history and in most parts of the world, people have been subject to rulers (monarchs, aristocrats, patricians, colonial powers, dictators) who have restricted their participation rights. The substance of citizenship is in large part a function of modern constitutional arrangements based on the idea of popular sovereignty and the equality of citizens. Even then, many constitutions denied significant sections of the people, especially women, the right to participate in governance.

It can be concluded that citizenship refers to the legal rights and obligations of persons attached to citizenship under the domestic law of a state. As a form of the symbolic relationship between the individual and the state, citizenship represents a system of rights, privileges and duties that can be divided into civil, political and social rights, which include the right to freedom of expression, the right to association, include due process and equality before the law, franchise and welfare.

### Nigerian Diaspora

It has been a challenge for scholars to narrow down the term diaspora to a single and commonly accepted definition. The term has therefore been conceptualized differently by scholars. Ibrahim et al. (2019) and Wapmuk et al. (2014) agree, however, that the word diaspora has its etymology from ancient Greek. The ancient Greek derivation comes from the two words *dia*, meaning across, and *speirein*, to scatter or scatter. Thus, diaspora in diaspora means spread or dispersal. Hence, diaspora broadly refers to

communities of people who are dispersed and live and work outside their countries of origin. These individuals often maintain social, financial and cultural ties to their country of origin, usually mediated through family and friends in their home country (Wapmuk et al., 2014). While the historical diaspora has often been forcibly expelled, the modern diaspora is formed by those who seek better opportunities and livelihoods abroad.

In defining the Nigerian diaspora, Akinrinade and Ogen (2011) follow the African Union's (AU) conceptualization of the African diaspora. Accordingly, the African diaspora consists of people of African descent living outside the continent, regardless of citizenship or nationality, who are willing to contribute to the development of the continent and the building of the African Union (AU, 2005, Akinrinade & Ogen, 2011, p. 73). Consequently, the Nigerian diaspora could be defined as those Nigerians living outside the country, regardless of their ethnic, religious or geopolitical region, who aspire to or are already contributing to Nigeria's development. It is noteworthy that a Nigerian emigrating to a foreign country may choose to deny all ties with Nigeria, which also raises the question of who can be classified as Nigerian diaspora. To this end, the Nigerian government has long recognized its diaspora as a positive factor in its quest for national development. In other words, the Nigerian diaspora is those Nigerian nationals who emigrate to foreign countries and, while maintaining ties to the motherland, also contribute to national development in Nigeria.

In recent times, the subject has developed into a field of study that arouses great interest. It has become an increasingly trendy concept throughout academia. This is not surprising considering that people are constantly migrating from one country, region or continent to another for a variety of reasons including economic, political, social and cultural.

## **Elections**

Elections have held a central place in the idea and practice of modern democracies and representative governments. Vande (2019) argues that elections entail the idea of choice and that the sanctity of choice, enshrined in the modern democratic idea, presupposes that the electorate has the freedom to choose those they want in a regular, free, fair and credible electoral process. For a legitimate government to rule, the people must have the luxury of selecting their leaders through processes consistent with international best practices. Here, too, Egwemi (2014, p. 98) assumes that the rituals of the election and their binding character are based on the participation of the individual as a voter in a social act that confers legitimacy on the elected person. He therefore conceptualized elections as a process in democracy through which people or voters exercise their freedom and inalienable right to organize their lives and to choose those to whom they delegate their rights of representation. Similarly, Animashaun (2010) holds that an election is a democratic process that gives citizens the freedom to elect their rulers and decide public policy. In any democratic system, citizens who are legally entitled to vote have the opportunity to choose political alternatives and make decisions that reflect

their preferences. It can be assumed that free, fair and credible elections offer voters freedom of choice; the power to hold elected leaders accountable and to provide protection against the perpetuation of arbitrary rule. Suffice it to say that elections remain fundamental, not only for the establishment of democratic governments but above all as a necessary condition for broader democratic consolidation.

In sum, an election is a procedure or means of aggregating the preferences of the electorate in a political system. It is a process of selecting leaders through which the people exercise their right to choose those who will govern them and hold them accountable for their actions in office. This reveals that the elective principle is indispensable in a modern democratic setup. It also shows that elections are the universally accepted norm of selecting or choosing legitimate leaders for the purpose of maintaining law, order and good governance. Thus, fraudulent elections are incapable of producing acceptable and legitimate leaders. For a legitimate government to rule, the people must have the luxury of choosing their leaders through processes that meet international best practices.

### **Electoral Process**

Elections have become an important element of modern representative government. The electoral process is so intrinsically linked to the growth and development of representative democratic governments that it is now widely regarded as the most important indicator of the presence or absence of truly democratic government. As Nnoli (2003, p. 220) argues, the importance attached to elections by regimes spanning the ideological spectrum from the extreme right to the extreme left shows how the modern state is bound to the symbolic impact of elections. Since elections are an important part of representative government, the importance of the electoral process becomes clear.

Consequently, the electoral process, also called the electoral process, refers to the entire cycle from the provision of voter education to the dissolution of the National Assembly (Elekwa, 2008). Electoral systems translate the votes cast in a general election into seats that parties and candidates win. The key variables are the voting formula used (whether a plurality/majority, proportional, mixed or other system is used and what mathematical formula is used to calculate the distribution of seats), and the ballot structure (whether the voter votes for a candidate). or party and whether the voter makes a single choice or expresses a range of preferences) and the size of the district (not how many voters live in a district, but how many MPs for the legislature the district elects). As Idike (2014) states, the electoral process begins with the announcement of the intention to hold elections until the elections are won and invariably lost.

In Nigeria, the election process includes the demarcation of electoral boundaries (establishment of constituencies and even polling stations), registration of voters, the announcement of elections, the nomination of candidates, election campaigns, elections, announcement of results and conclusion of court sessions. Note that the electoral

process begins with the announcement of the intention to hold elections until the elections are won and invariably lost.

**THE DEBATE ON THE DIASPORA AND THE RIGHT TO VOTE** The argument for the diaspora, external, or foreign voting presupposes policies and procedures that allow some or all of a country's voters who are temporarily or permanently outside the country to exercise their right to vote from outside the country (International Institute for Democracy and Electoral Assistance, IDEA, 2007). Suffice it to say that the demand for voting rights for expatriate citizens cannot be divorced from a broader understanding of the notion that voting rights have been universally accepted as a basic human right (Trócsányi, 2014). The right to vote is based on various international declarations recognizing universal, equal, free and secret suffrage as an inalienable part of human rights. There are numerous legal frameworks around the world that clearly demonstrate that diaspora voting is a universal right. In essence, citizens' right to vote is not only a basic human right protected by the Constitution but also universally recognized by international human rights conventions to which Nigeria is a signatory.

The Universal Declaration of Human Rights (UDHR, 1948), the African Charter on Human and Peoples' Rights (ACHPR, 1986) and the International Covenant on Civil and Political Rights (ICCPR, 1966) have all provided for the universal right of citizens to participate in the government of their country either directly or through freely elected representatives. For example, Article 21 of the Universal Declaration of Human Rights provides that everyone has the right to participate in the government of his country, either directly or through freely chosen representatives. Everyone has the right to equal access to the public service in their country. Article 13 of the ACHPR provides: "Every citizen has the right to participate freely in the government of his country, either directly or through freely chosen representatives as provided by law." Every citizen has the right to equal access to the public service of the country.

More so, Article 25 of the ICCPR provides that: Every citizen has the right and opportunity, without the distinctions set out in Article 2 and without undue limitation: (a) take part in the conduct of public affairs, directly or through free elected representatives; (b) to vote and be elected in genuine regular elections, held by universal and equal suffrage and held by secret ballot, ensuring the free expression of the electors; (c) To have access to the civil service in his country under general conditions of equality. Furthermore, the International Convention for the Protection of the Rights of All Migrant Workers (1990) expressly states: Migrant workers and their members' families have the right to participate in the public affairs of their country of origin and to vote and be elected in elections of that country by its legislation. The States concerned shall, where appropriate and by their legislation, facilitate the exercise of these rights (International Convention for the Protection of the Rights of All Migrant Workers and Members of Their Families, UN document A/RES/45/158, 18 December 1990, Article 41).

It is noteworthy that the modern practice of diaspora voting dates back to 1862, when Wisconsin offered its soldiers in the Union Army the right to vote. This unique, commendable move to disenfranchise soldiers was clearly politically motivated (building on optimism that soldiers would vote for his Republican Party). Since then, modern democracies have adopted diaspora suffrage and introduced it into their electoral systems for a variety of reasons, largely determined by historical and political contexts. For example, the UK introduced diaspora voting for its soldiers in recognition of their active participation in World War II, while the US introduced it in response to the demands of expatriate citizens. Better still, others adopted it in hopes that it would improve the political fortunes of the ruling political parties (Ogbonnaya, 2014).

Notwithstanding the above, other explanations have been advanced for the widespread adoption of diaspora voting around the world. One of the explanations assumes that states extend voting rights in the diaspora in order to strengthen ties with their diaspora citizens working in other countries (Hartmann, 2015). On the other hand, diaspora voting serves as a signalling tool for both domestic and international audiences, whether as a sign of democratic inclusiveness or a show of loyalty. In addition, the diaspora vote provides an opportunity for more groups, including diaspora communities, to engage in discussions about increased participation (Wellman, 2015). However, in the context of African countries, diaspora voting appears to be a strategy to use emigrant resources to bolster weakened state power. They warned that diaspora elections could potentially destabilize home-country political power structures, undermine the promotion of effective diaspora mobilization platforms in both home and host states, and export home-country political practices to diaspora sites (Iheduru, 2011).

As debates continue, diaspora voting has become a global practice in modern democracies. There are currently around 115 countries (including almost all developed nations) that have systems in place that allow their diaspora citizens to vote. These countries include 28 from Africa, 16 from America; 41 from Europe, 10 from the Pacific and 20 from Asian countries (Ogbonnaya, 2014). But Nigeria, the giant of Africa, is far from even remotely assuming it. However, efforts have been made to ensure diaspora elections in Nigeria. However, there is no denying that the diasporas are citizens of their home countries, and there is ample evidence of the diaspora's contribution to Nigeria's national development (Ogbonnaya, 2014; Wapmuk et al., 2014, etc.). The diaspora of developing countries not only contributes to national development through remittances but, more importantly, participates in promoting trade, investment, knowledge and technology transfer (World Bank, 2013).

Suffice it to say that Nigeria has one of the largest African diasporas scattered across the world and continent. The Nigerian diaspora has developed dense transnational networks that work in complex and sophisticated ways with the government and Nigerians (Ogen, 2017). Additionally, Nigerians in the diaspora are involved in national development in different ways. In his contribution, Elguja (2021) posits that remittance records are the most notable means of diaspora participation in

Nigeria's development, being used for services such as health, housing, business start-ups and education. Likewise, the World Bank report (2011) shows that Nigerians in the diaspora remitted the sum of ten billion US dollars to Nigeria in 2008, which corresponds to 47 per cent of the gross domestic product of the year. As a result, remittances have had a positive impact on poverty alleviation, paying for medical bills, school fees, funerals and social activities, and starting small businesses. It can be suggested that remittances also help to stabilize foreign exchange demand (Elgujja, 2021).

Economically, the Nigerian diaspora has invested in stocks and securities and is interested in the newly launched bonds. Political and socio-economic groups in the diaspora are also pushing for democratic reforms as part of Nigeria's development, in response to domestic encouragement. In addition, they sponsor art exhibitions, theatre performances and music concerts. Again, the Nigerian diaspora frequently mobilizes medical teams to Nigeria, medicines, examinations and treatments are often provided free of charge and free surgeries are sometimes performed to help patients in need (Modupe, 2018a). In addition, about one-sixth of Nigeria and Ethiopia's total inflows (export) and one-ninth of Kenya's total inflows come from diaspora remittances. Modupes (2018b), argues that expatriate Nigerians are actively involved in health insurance, mortgages, and registered pension and credit purchase schemes, among others, and argues that government partnerships in development interventions have laid a good foundation and should be further leveraged to produce good outcomes. However, the vast majority of the Nigerian diaspora is not actively involved in conflict resolution, peacebuilding and political affairs in Nigeria.

There is no question, therefore, that granting voting rights to Nigerians in the diaspora will create and foster a sense of belonging and enhance their interest in contributing to Nigeria's socio-economic and political development. Furthermore, it is believed that this proposed electoral system can increase voter turnout, improve the integrity and credibility of election results, and thus strengthen democratic legitimacy in Nigeria (Ogbonnaya, 2014). Similarly, granting diaspora voting rights can improve Nigeria's global and international ratings (Ibrahim et al., 2019). Consequently, allowing the Nigerian diaspora to vote could give over 25 million Nigerians in the diaspora the right to vote and the power to vote in general elections and have a say in the government of the state.

Many countries have constitutions, electoral laws; and administrative regulations usually regulate elections. Thus, the 1999 Constitution, as amended, and the Elections Act (2022) form the legal framework governing the electoral process in Nigeria. In this sense, Section 77(2) of the 1999 Constitution, as amended, states that "any Nigerian citizen who is over the age of eighteen at the time of registration of voters for election to a Legislative House and who resides in Nigeria has the right to register as a voter for that election". Likewise, Section 12(1) of the Elections Act (2022), as amended, provides that: A person qualifies for registration as a voter if he/she: (a) is a Nigerian citizen; (b) has reached the age of eighteen; (c) Ordinarily resides, works, or is from the local



government/province or community covered by the Registrar; (d) present himself to the registration officers of the Commission for registration as a voter; and (e) not subject to any legal disqualification from voting under any applicable law, rule or regulation in Nigeria.

From the foregoing, it is clear that the Nigerian Constitution and Electoral Law prohibit and discriminate against the Nigerian diaspora, while international legal frameworks guarantee the diaspora's right to vote and participate in the public affairs of their home country, including voting and voting.

### **THE CHALLENGES OF DIASPORA INCLUSION THE ELECTORAL PROCESS IN NIGERIA**

A major challenge for diaspora elections in Nigeria is the issue of residence. As clearly stated in the 1999 Constitution (as amended) in Sections 77(2) and 117(2) and in Section 12(1) of the Elections Act (2022), the concept of diaspora election is opposed to one of the classical Requirements for voting rights, namely residency within Nigerian territory (Elguja, 2021). Although the concept of diaspora elections is widely accepted around the world, the push for legal reform to enable its implementation in Nigeria has not gone without political resistance. Furthermore, voting in the diaspora could be disproportionately expensive, but whether its benefits outweigh the costs seems to depend on the government's perception of the diaspora's right to vote. While some governments see emigrants as a source of economic development, others denigrate them as enemies of the state, traitors for leaving their homeland.

Therefore, the ruling class's view of the political capital of diaspora elections at the time could have an impact on the eventual outcome. This is likely to succeed if the ruling party believes that allowing voting in the diaspora will give it a political advantage, while the chances are slim if the belief is that citizens left the country because they are dissatisfied with the political or economic situation. Thus, the success or failure of implementing diaspora voting may depend largely on the ruling party's perception of the diaspora (Wellman, 2015). In addition, Ibrahim et al. (2019) suggest that the implementation of diaspora voting also poses numerous logistical and financial challenges for political parties that have limited resources, since mobilizing potential supporters around the world is far more expensive than campaigning domestically. As a result, political parties weigh costs against potential electoral gains and will only want to grant diasporas the right to vote if they are confident that doing so will give them an electoral advantage over their competitors.

Furthermore, Elguja (2021) emphasizes that there is a lack of accurate data on the diaspora population in every country where diaspora Nigerians live. Accurate hard data, rather than the subjective assumptions required to analyze citizens' influence on their home country's politics, are not available, mainly because there are often no official figures on how many citizens have left the country and settled in most cases do not register with the embassies. especially in the context of mixed migration and a high degree of undocumented mobility. If available, this data could be used to determine, for

example, the number of registration/polling units to be allocated in each country and the number of ballots required. Therefore, it has been argued that the implementation of diaspora elections can put great pressure on the human and institutional capacities of the Independent National Electoral Commission (INEC) and put financial pressure on the Nigerian economy (Ogbonnaya, 2014).

Again, Elguja (2021) claims that the implementation of diaspora elections poses major technical and administrative problems that could affect other crucial features of electoral law, notably the principle of free elections. This would require INEC to set up an electoral unit for use in elections in every embassy, commission, consulate and/or other approved designated locations worldwide. Party agents and election observers would be recruited from the countries of residence of Nigerians in the diaspora (Ibrahim et al., 2019). According to Kunle and Modupe (2019), systemic corruption, lack of infrastructure, lack of good governance and challenges to maintaining democracy, which appears to be endemic in Nigeria, may be other factors hampering efforts to ensure electoral success in Nigeria can hinder diaspora, among other things.

### **THE QUEST AND CHALLENGES FOR ELECTIVE POSITIONS BY THE NIGERIAN DIASPORA**

The Nigerian diaspora's quest for inclusion in the Nigerian electoral process brings with it the right to vote and be elected, although advocacy tends to focus on the right to vote. Again, the argument for voting in the diaspora is based on a question of principle based on the universality of the right to vote and be elected (Obajee, undated). This universal human right is recognized in the Nigerian Constitution of 1999, as amended. Suffice it to say that the Nigerian diaspora maintains close ties with friends and relatives back home, thereby influencing Nigeria's socio-political and economic development.

As Makinde (2018) points out, the fact that right to vote and elected fosters civic awareness and promotes political participation; as such, the right to vote and be elected is grounded in the principles of democracy; and democracy is considered one of the universal core values and principles of the United Nations. It is trivial that respect for human rights and fundamental freedoms and the principle of holding regular and genuine elections through universal suffrage are essential elements of democracy. Therefore, the right to vote and be elected is an inalienable right and the lynchpin of democracy. Indeed, the Universal Declaration of Human Rights, unanimously adopted by the United Nations General Assembly in 1948, recognizes the essential role that transparent and open elections play in guaranteeing the fundamental right to participatory government. Article 21 of the Universal Declaration of Human Rights essentially states that the will of the people should be the basis of government authority; This will shall be expressed in regular and genuine elections, held by universal and equal suffrage, by secret ballot or by equivalent methods of free elections.

Given the importance of the right to vote in the growth of Nigeria's emerging democracy, it should be recognized as one of the rights requiring a high level of protection from government interference. Although it can be argued that this right is

provided implicitly in the Constitution (Section 77), the Electoral Act (Section 12(1)) and the Voter Registration Act (Section 1(2)), it is, however important to note that these laws relate only to the eligibility and registration of voters, the grounds and procedure for contesting the election result, etc. These laws do not expressly guarantee the right to vote and the right to be elected. As Makinde (2018) posits, the right to vote and be elected should receive the same recognition and protection as the right to life, the right to human dignity and the right to freedom from discrimination, all of which are guaranteed as fundamental human rights. This is all the truer given that the right to vote and be elected has a basis in social contract theory. This is because every citizen of a state lawfully relinquishes their rights to the government through free and fair elections, and the government in turn protects the other rights of the citizens. It is thus evident that the right to vote is the first existing right that guarantees the protection of other rights. Therefore, it is absurd that this right, which legitimizes the government, is not guaranteed as a basic human right in Nigeria (Ibrahim, 2020).

Notably, leading democracies around the world allow their expatriate citizens to vote in elections in their home countries. These countries, as Orabuchi (2018) points out, have done this and made arrangements for their citizens to vote in their elections in different parts of the world, and we believe that Nigeria should join the league of countries that give everyone their due. Citizens the opportunity and the right to speak with their voice. Some countries have found it necessary to increase the participation of their expatriate citizens in their national elections in other ways. France, Italy and Portugal not only grant their expatriate citizens the right to vote in their national elections but have also widened the gate of their democracy for their expatriate citizens by representing them in the National Assembly.

### **THE QUEST AND PROSPECTS FOR THE INCLUSION OF THE NIGERIAN DIASPORA IN THE ELECTORAL PROCESS**

There are reportedly some 17 million Nigerians living in the diaspora who are constitutionally barred from participating in the electoral process in their home country from outside the country. The legal framework in Nigeria allows only Nigerians resident in the country to participate in elections. In other words, voters residing outside Nigeria can vote in elections only if they travel back to Nigeria to register as voters in Nigeria and vote in Nigerian elections (Abuh, 2017). Although this exclusion has been recognized as a violation of human rights, several stakeholders around the world have advocated for greater inclusion and participation of diaspora Nigerians in Nigeria's democratic process. The Nigeria Diaspora Voting Council (NDVC, 2021) advocates empowering the diaspora for sustainable development, arguing that Nigeria accounts for over a third of migrant remittance flows to sub-Saharan Africa. The Council states that remittances from the United States of America to Nigeria in 2017 amounted to US\$6.19 billion. This represented 9% of the total remittance outflows from the country (US) over the same period. The United States accounts for 22.6% of all Nigerian emigrants in the diaspora. Furthermore, the NDVC (2021) claims that

remittances per capita from the Nigerian diaspora in the US to Nigeria are US\$22,107 per emigrant. In the same 2017, Nigeria led the continent in remittance receipts but fell to second place behind Egypt in 2018. As Kunle and Modupe (2019) point out, the World Bank estimated that global remittances increased by 10% to US\$689 billion in 2018 compared to US\$633 billion in 2017; with developing countries receiving 77% or US\$551 billion of the total inflows. India, China, Mexico, the Philippines, Egypt and Nigeria are among the largest remittance recipients globally, together accounting for about 39% of total inflows.

Specifically, the NDVC (2021) estimates that with a conservative migrant count of 1.24 million in 2017, which is expected to increase by another 25% and 31% in 2018 and 2019, respectively, the country's financial remittances (official figures) will reach 22 US Dollars Equivalent to 6.1% of Nigeria's gross domestic product (GDP) and a 14% year-on-year growth from the 2017 value. In the same 2018, remittances from the diaspora accounted for 83% of the Federal Budget Act for that year, which was also 11 times foreign direct investment (FDI) over the same period. With further financial forecasting, diaspora remittances could grow to US\$27.6 billion, US\$32 billion, and US\$37.3 billion in 2020, 2022, and 2024, respectively (NDVC, 2021). The above financial derivatives have further underscored the importance that various stakeholders should take very seriously the issue of harnessing diaspora potential for national development and the importance of enabling them to participate actively in the electoral process. This strengthens their ties to the home base. It will also allow them to contribute and participate in electoral reforms that the country craves. Incidentally, all of the above inflows flowed into the economy of the country, although for decades Nigerians in other countries have never participated in the democratic process that has led to successive governments so far, at least in the last two decades, except for those that usually come around to exercise their right to vote on their native soil. Aside from being cumbersome, arduous and burdensome due to the risks involved (financial and transit risks), the current option has not allowed for the widest possible participation of all willing diaspora voters (NDVC, 2021).

The Council further reaffirms that Nigeria, which is undeniably considered to be the giant of Africa in terms of human capital and natural resource development, is not among the list of African states that have assigned some political and electoral roles in their democracy and electoral process. The Council deplores the country's inability to create and institutionalize the necessary conditions to allow its citizens residing in other parts of the world to give this group of people a voice in deciding who governs their home country. This is despite their numerous contributions to national development. In addition, it was argued that the country would have many benefits by allowing its diaspora nationals to participate in the election campaign. As Ibrahim (2020) points out, this will definitely contribute to the sustainable development of the country. In his view, there are a number of other direct benefits that voting rights for the Nigerian diaspora will bring to the country. These include, but are not limited to, consolidation of the Sustainable Development Goals (SDGs), poverty reduction (fighting poverty),

immigration costs (limiting the cost of migration), brain drain (curbing brain drain syndrome), and a huge financial contribution to GDP. among other benefits. Therefore, allowing diaspora participation in the electoral process may actually help mitigate the scourge of brain drain, as some of them will recognize the need to encourage nationalism and help close such a gap. Overall, the disenfranchisement of the Nigerian diaspora will lead to more inflows in the form of foreign direct investment (FDIs), remittances and stronger ties to the home base. As in other African countries that have since admitted Senegal, Mali, Algeria, Namibia and Mozambique, among others, the franchise will enable and encourage diaspora Nigerians to reinvent their ties to their ancestral land.

Aside from the reinvention of its ties posited above, and in addition to its symbolic value, the right to vote (suffrage) as a fundamental expression of democracy has become a way of affirming and strengthening citizenship. This big change has led to a feeling of closeness to their homeland. By giving Nigerian nationals abroad the opportunity to vote, and thereby making them enduring figures in the annals of the country's history, such a right will break down a significant part of the psychological barrier that has existed between them and Nigeria to date (Ibrahim et al., 2019). It is important to emphasize that Nigerians, both domestically and particularly abroad, have so far demanded inclusion in their homeland's electoral process. Efforts to enable Nigerians residing abroad to participate in the electoral process by registering and voting in their various countries of residence have been going on for many years without progress. In 2012, six members of the Nigerian House of Representatives, led by Abike Dabiri-Erewa, then-Chairman of the House Committee on Nigerians in Diaspora, sponsored a bill aimed at amending Nigeria's 2010 Electoral Law to accommodate Nigerians in the diaspora Grant diaspora the right to vote in general elections in Nigeria (Ibrahim et al., 2019). Ultimately, the bill failed to survive opposition to the diaspora vote. It is noteworthy that these concerted efforts, particularly by the Nigeria Diaspora Voting Council (NDVC), ensured that the Diaspora Voting Bill passed a second reading in the National Assembly and was subsequently referred to the relevant committee for further deliberation (NDVC, 2021 and Abraham, 2020).

## CONCLUSION AND RECOMMENDATIONS

According to reports, over 25 million Nigerian citizens live in the diaspora, referred to here as the Nigeria Diaspora. This is by no means a huge population that has contributed to the social, economic and even political development of the country. Nonetheless, Nigerians in the diaspora remained disenfranchised during the country's elections. Despite their contribution to Nigeria's growth and economic development, the country's constitution and electoral law do not provide for this class of citizens to participate in the electoral process, despite assurances from the country's leadership. The discrimination against Nigerians in the diaspora and the subsequent disenfranchisement are in violation of international human rights conventions and

protocols to which Nigeria is a signatory. Furthermore, the situation is unusual given current global developments, as even some smaller, less-resourced and less-developed countries in Africa have catered for their diaspora's political and electoral participation.

Therefore, there is an urgent need to grant voting rights to Nigerians in the diaspora, which creates a sense of belonging and increases their interest in contributing to Nigeria's socio-economic and political development. To change the course of events, this work recommends the following:

- i. The Nigerian Electoral Law (2022) should be amended to remove residency criteria for participation in the electoral process. This enfranchises the Nigerian diaspora and ensures their inclusion and participation in the electoral process.
- ii. The Independent National Electoral Commission (INEC) should set up a voting unit in every Nigerian embassy and commission to facilitate diaspora voting in national elections. This should be preceded by the introduction of the electronic voting system so that the results can be easily transmitted.
- iii. The Nigerian diaspora should increase their mobilization and advocacy towards the National Assembly and the Presidential Office in order to realize the aspiration to be involved in the Nigerian electoral process.

## REFERENCES

- Abuh, A. (2017). 17m Nigerians in Diaspora Push For Voting Rights. *The Guardian*, 24<sup>th</sup> July.
- Adu, F.M. (2018a). The Nigerian Diaspora, Governmental Partnership and Development Interventions. *American Journal of Humanities and Social Sciences Research*, 02(11), 170-176.
- Adu, F.M. (2018b). Nigeria Diaspora's Contributions to National Development: A Political Economy Approach. *London Journal of Research in Humanities and Social Sciences*, 18(2), 33-46.
- Afolabi, O. (2016). Migration and citizenship question in Nigeria: A study of the Berom and Hausa/Fulani conflict in Jos. *African Journal of Political Science and International Relations*. 10(2), 8-15, DOI: 10.5897/AJPSIR2014.0739.
- Ajayi, K. P, Adu, F. (2019). Challenges of Diaspora's Contributions to Nigeria's National Development: The British/American Case Study. *American Journal of Humanities and Social Sciences Research*, 3(4), 130-154.
- Akinrinade, S. and Ogen, O. (2011). Historicising the Nigerian Diaspora: Nigerian Migrants and Homeland Relations. *Turkish Journal of Politics*, 2(2), 71-85.
- Animashaun, K. (2010). Regime character, electoral crisis and prospects of electoral reform in Nigeria. *Journal of Nigerian Studies*, 1(1), 1-33.
- Babalobi, B. (2020, February 11). Why Nigerians are emigrating. [www.sunnewsonline.com/why-nigerians-are-emigrating](http://www.sunnewsonline.com/why-nigerians-are-emigrating).

- Baubock R (2002, February). How Migration Transform Citizenship: International, Multinational and Transnational Perspectives. IWE – *Working Papers Series*, No. 24.
- Bellamy, R. (2015). Historical Development of Citizenship. In Wright, J.D. (Ed.). *International Encyclopedia of the Social & Behavioral Sciences*, 2nd edition, Vol 3. Oxford: Elsevier. pp. 643–649.
- Casper, G. (2008). *The Concept of National Citizenship in the Contemporary World: Identity or Volition?* Bucerius Law School, Hamburg.
- Egwemi, V, (2014). The June 21, 2014, Gubernatorial Election in Ekiti State: Implications for the 2015 General Elections in Nigeria. *Lapai International Journal of Politics*, 2(2), 96-114.
- Elekwa, N.N. (2008). The Electoral Process in Nigeria: How to Make INEC Succeed. *The Nigerian Electoral Journal*, 2(1), 30-42.
- Elgujja, A. A. (2021). Paving Way for Entrenching the Diaspora’s Voting Rights under the Nigerian Laws: Legal Prospects, Challenges and Potential Solutions. *Turkish Journal of Diaspora Studies*, 1(2), 77-95, <https://doi.org/10.52241/TJDS.2021.0025>.
- Hartmann, C, (2015). Expatriates as Voters? The New Dynamics of External Voting in Sub-Saharan Africa. *Democratization*, 22, 906-1011.
- Ibrahim, B.F., Dele, I. and Ukeaja, H. (2019). Diaspora Voting in Nigeria’s Elections: An Analysis of the Abike Dabiri-Erewa Bill of 2012 and the Effectiveness of Its Possible Inclusion Into the 2019 General Elections. *International Journal of Arts Humanities and Social Sciences Studies*, 4(7), 35-45.
- IBRAHIM, E. (2020, FEBRUARY 18). NIGERIAN GOVERNMENT, LAWMAKERS SEEK TO ACTUALISE DIASPORA VOTING. *PREMIUM TIMES*.
- Idike, A.N. (2014). Democracy and the Electoral Process in Nigeria: Problems and Prospects of the E-Voting Option. *Asian Journal of Humanities and Social Sciences*, 2(2), 133-141.
- International Institute for Democracy and Electoral Assistance (2007). *Legal Framework of Voting from Abroad*. ACE Electoral Knowledge Network.
- Makinde, O. (2018, February, 28). Available: 1999 Constitution and right to vote - Punch Newspapers. [www.punchng.com](http://www.punchng.com). Accessed on 26/04/2022.
- Nigeria Diaspora Voting Council (2021). *Enfranchising the Diaspora for Sustainable Development*. [www.nigeriadiasporavoting.com/-workshop](http://www.nigeriadiasporavoting.com/-workshop).
- Nnoli, O. (2003). *Introduction to Politics*. Second Revised Edition. Enugu: SNAAP Press.
- OBAZEE, J. (N.D.). NIGERIANS IN DIASPORA: RIGHT TO VOTE AND BE VOTED FOR. AVAILABLE: [PETITION · NIGERIANS IN DIASPORA: RIGHT TO VOTE AND BE VOTED FOR. WWW.CHANGE.ORG](http://WWW.CHANGE.ORG). ACCESSED ON 26/04/2022.
- Ogbonnaya, U.M. (2014). Voting Rights for Members of the Nigerian Diaspora. *CanadianParliamentary Review/Winter*,
- Ogen, O. (2017) Nigeria: Diaspora Engagement Policies in National Context. In: Mangala J. (eds). *Africa and its global Diaspora*. African Histories and

- Modernities. Palgrave Macmillan, Cham. [https://doi.org/10.1007/978-3-319-50053-9\\_5](https://doi.org/10.1007/978-3-319-50053-9_5).
- ORABUCHI, A. (2018). THE NEED FOR DIASPORA VOTING. AVAILABLE: WWW. THE NEED FOR DIASPORA VOTING. [WWW.SUNNEWSONLINE.COM](http://WWW.SUNNEWSONLINE.COM). ACCESSED ON 26/04/2022.
- Sasu, D.D. (2022, February 1). Net Migration in Nigeria, 2000-2021. [www.statista.com/topics/1233163/net-migration-in-nigeria](http://www.statista.com/topics/1233163/net-migration-in-nigeria).
- Trócsányi, L. (2014). The Regulation of External Voting at National and International Level, in Kiado, L. (eds). *Trends and Directions of Kin-State Policies in Europe and Across the Globe*, 13-24. Retrieved from [Minority Studies - No. 16. \(oszk.hu\)](http://Minority Studies - No. 16. (oszk.hu)) on 9<sup>th</sup> March, 2022.
- Vande, P.T. (2020). Vote Buying and Credible Elections in Nigeria: An Opinion Survey of Voters on the 2019 General Election in the Federal Capital Territory (FCT), Abuja. *National Institute for Legislative and Democratic Studies (NILDS) Journal of Democratic Studies*, 1(1), 111-129.
- Varrella, S. (2021, June 1). Immigration in Nigeria - statistics and facts. [www.statista.com/topic/7865/immigration-in-nigeria](http://www.statista.com/topic/7865/immigration-in-nigeria)
- Wapmuk, S. Akinkuotu, O. and Ibonye, V. (2014). The Nigerian Diaspora and National Development: Contributions, Challenges, and Lessons from Other Countries. *Kritika Kultura* 23, 292-342.
- Wellman, E.I. (2015). Diaspora Voting in South Africa Perceptions, Partisanship and Policy Reversal, in Susam, H. et al, (Eds). *Afrique contemporaine*, 256(4), 35-50.
- World Bank (2013). *Migration and Development Brief*. New York: The World Bank-Development Prospects Group.